

Supplementary Report
of
Committee
on
Military Affairs.

Nov 5. '08

Read. ordered to lay
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as per

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490

My President

a majority

We the undersigned ~~members~~ of your Committee on Military Affairs beg leave to report the following additional section for insertion in the Article on Militia in the new Constitution.

Section — Except in case of war or insurrection, the Legislature shall not authorize to be expended, or appropriated, more than twenty-five thousand dollars in any one year for organizing and disciplining the Militia, which shall include all salaries, all rents, and disbursements of every character relating to the Militia of the State; and the care of the arms belonging to the State. Nor shall the number of uniformed militia in the State exceed ten companies of one hundred and twenty men rank and file each. Provided: (that at the expiration of ten years from the time of the adoption of this Constitution) the Legislature shall have the power, notwithstanding this section, to increase the allowance hereby made and the number of uniformed militia hereby allowed.

John C. Sedgwick
Edwin M. Stanton

J. C. Brown

Wm S. Moffatt
Thos H. Easty
Hamblt Davis

Mark

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An to 485⁽⁴⁸⁵⁾

Releas to Weller

Nov 3, 78

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Thomps
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Taken from table
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Smith
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On a Military Affairs

Article VII.

Militia

- Section 1. Organizing and disciplining the Militia
2. Officers, how elected or appointed
 3. Removal of General Officers
 4. Governor to be Commander in Chief
and to call out the Militia.
 5. Exemptions
 6. Provision to be made for wounded and disabled members of Militia.

Section 1. The Legislature shall provide by law for organizing and disciplining the militia in such manner as they may deem expedient, not incompatible with the Constitution and Laws of the United States.

Section 2. Officers of the Militia shall be elected or appointed in such manner as the Legislature shall from time to time direct; and shall be commissioned by the Governor.

Section 3. No General Officer shall be removed from office, except by the Senate on the recommendation of the Governor, stating the grounds on which removal is recommended, or by a decision of a Court Martial in accordance with Military custom. No officer of the Militia shall ever be removed from office for political reasons.

Section 4. The Governor shall be Commander in Chief of the Militia of the State. He shall have power to call them forth to execute the Laws of the State, to suppress insurrections and repel invasions.

Section 5. The officers, musicians, and members of the State Militia who comply with all military duties as provided by law shall be entitled to the following privileges and exemptions, viz: Exemption from payment of poll tax, road tax, and head tax of every description: Exemption from jury duty and exemption from serving on any posse comitatus. All officers, non commissioned officers, musicians and privates who have faithfully served in the Military service of the State for seven consecutive years and received the certificate of the Adjutant General certifying the same shall thereafter be exempted from further military or jury service, except in time of war.

Section 6. Every officer or member of the State Militia wounded or disabled in the service of the State shall have reasonable expenses paid him, and the widows and children of members killed in the service of the State shall be provided for by the Legislature.

Amendment in Com. Whole.

Amendment.

No. 485.

INTRODUCED BY COMMITTEE ON MILITARY AFFAIRS.

NOVEMBER 5TH, 1878.

READ, ORDERED TO LAY ON TABLE, AND BE PRINTED.

ARTICLE VII.

MILITIA.

- SECTION 1. Organizing and disciplining the militia.
2. Officers, how elected or appointed.
3. Removal of general officers.
4. Governor to be Commander-in-Chief, and to call out the militia.
5. Exemptions.
6. Provision to be made for wounded and disabled members of militia.

SECTION 1. The Legislature shall provide by law for organizing and
2. disciplining the militia, in such manner as they may deem expedient, not
3. incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed in such
2. manner as the Legislature shall, from time to time, direct, and shall be com-
3. missioned by the Governor.

SEC. 3. No general officer shall be removed from office except by the
2. Senate, on the recommendation of the Governor, stating the grounds on which
3. removal is recommended, or by a decision of a Court-martial in accordance

Add to sec 1

Officers of the militia shall be elected or appointed in such manner as they shall seem expedient, not incompatible
Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions. (Adopted.)

Campbell.

Attest
John C. Campbell

Attest
John C. Campbell

4 with military custom. No officer of the militia shall ever be removed from
5 office for political reasons.

SEC. 4. The Governor shall be Commander-in-Chief of the militia
2 of the State. He shall have power to call them forth to execute the laws of
3 the State, to suppress insurrections, and repel invasions.

SEC. 5. The officers, musicians, and members of the State militia, who
2 comply with all military duties as provided by law, shall be entitled to the
3 following privileges and exemptions, viz.: Exemption from payment of poll
4 tax, road tax, and head tax of every description; exemption from jury duty
5 and exemption from serving on any posse comitatus. All officers, non-com-
6 missioned officers, musicians, and privates, who have faithfully served in the
7 military service of the State for seven consecutive years, and received the cer-
8 tificate of the Adjutant-General certifying the same, shall thereafter be
9 exempted from further military or jury service, except in time of war.

SEC. 6. Every officer or member of the State militia, wounded or dis-
2 abled in the service of the State, shall have reasonable expenses paid him; and
3 the widows and children of members killed in the service of the State shall
4 be provided for by the Legislature.

Original

Amendment.

No. 485.

INTRODUCED BY COMMITTEE ON MILITARY AFFAIRS.

AS AMENDED IN COMMITTEE OF THE WHOLE.

ARTICLE VII.

MILITIA.

- SECTION 1. Organizing and disciplining the militia.
2. Officers, how elected or appointed.
3. Removal of general officers.
4. Governor to be Commander-in-Chief, and to call out the militia.
5. Exemptions.
6. Provision to be made for wounded and disabled members of militia.

SECTION 1. The Legislature shall provide by law for organizing and
2 disciplining the militia, in such manner as they may deem expedient, not
3 incompatible with the Constitution and laws of the United States.

The following was added to section one on motion of Mr. Campbell:

[Officers of the militia shall be elected or appointed in such manner
2 as the Legislature shall from time to time direct, and shall be commissioned
3 by the Governor. The Governor shall have power to call forth the militia to
4 execute the laws of the State, to suppress insurrections, and repel invasions.]

Sec. 2. Officers of the militia shall be elected or appointed in such
2 manner as the Legislature shall, from time to time, direct, and shall be com-
3 missioned by the Governor.

On motion of Mr. Campbell, stricken out.

Concurred in

SEC. 3. No general officer shall be removed from office except by the
 2 Senate, on the recommendation of the Governor, stating the grounds on which
 3 removal is recommended, or by a decision of a Court-martial in accordance
 4 with military custom. No officer of the militia shall ever be removed from
 5 office for political reasons.

On motion of Mr. Campbell, stricken out.

Concurred in

SEC. 4. The Governor shall be Commander-in-Chief of the militia
 2 of the State. He shall have power to call them forth to execute the laws of
 3 the State, to suppress insurrections, and repel invasions.

On motion of Mr. Stedman, stricken out.

Concurred in

SEC. 5. The officers, musicians, and members of the State militia, who
 2 comply with all military duties as provided by law, shall be entitled to the
 3 following privileges and exemptions, viz.: Exemption from payment of poll
 4 tax, road tax, and head tax of every description; exemption from jury duty
 5 and exemption from serving on any posse comitatus. All officers, non-com-
 6 missioned officers, musicians, and privates, who have faithfully served in the
 7 military service of the State for seven consecutive years, and received the cer-
 8 tificate of the Adjutant-General certifying the same, shall thereafter be
 9 exempted from further military or jury service, except in time of war.

On motion of Mr. Tully, stricken out.

Concurred in

SEC. 6. Every officer or member of the State militia, wounded or dis-
 2 abled in the service of the State, shall have reasonable expenses paid him; and
 3 the widows and children of members killed in the service of the State shall
 4 be provided for by the Legislature.

On motion of Mr. O'Donnell, stricken out.

Concurrent

Add after word State in
2nd line

" And receiving State
support."

Bunzlau

Cover

closed

marked

*Annex A to
Military Article*

"All military organizations provided for by this constitution or any law of this State shall while under arms, either for ceremony or duty, ~~carry~~ ~~use~~ ~~display~~ ~~any device, banner or flag~~ ~~of any State or nation except that of the United States or the State of California.~~"

In manuscript

C.

MILITIA.

As Amended in Convention, and Ordered Engrossed for a Second
Reading, February 1st, 1879.

ARTICLE —.

MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as they may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.

485

Militia¹²

Feby 10/79

Reported, Correctly
Engrossed

E F Smith

Secretary

Feby 20. 1879

Read a second time
adopted and referred
to Committee on Revision and
Adjustment

Thornton
and Key